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In re Application of:

Juan Saus

Serial No.: 10/008,721

Filed: December 7, 2001

For: **TNF-Inducible Promoters And Methods
For Using**

Art Unit: 1647

Examiner: Seharaseyon

Conf. No. 5105

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

1. We are transmitting herewith the attached papers for the above-identified patent application:

- ☒ Transmittal Letter (1 sheet);
☒ Response to Office Action mailed October 6, 2004 (1 sheet);
☒ Return Receipt Postcard

2. With respect to fees:

- ☒ No fee is required.
- ☒ Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. **CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: U.S. Patent and Trademark Office, Mail Stop: AMENDMENT, P.O. Box 2327, Arlington, VA 22202, on this 3rd day of **November, 2004**. Express Mail No. **EV595490019US**.

By:

David S. Harper
Registration No. 42,636



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,723-E1)

In re Application of:

Juan Saus

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BOX: AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-14501

RESPONSE TO THE OFFICE ACTION MAILED OCTOBER 6, 2004

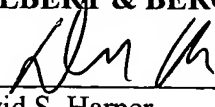
Sir:

In response to the Office Action mailed October 6, 2004, the Applicants herewith elect the invention of Group IV, claims 2-13 drawn to claims for isolated nucleic acid sequences including SEQ ID NO:6, expression vectors, and recombinant host cells containing same, for further prosecution in the current application. The election is made with traverse.

The Applicants note that upon the allowance of the identified linking claims (2-13), the restriction requirement as to the linked inventions of groups 1 to 31 will be withdrawn and those claims will be entitled to examination in the instant invention.

If there are any questions about this matter, the patent office can contact the below-signed attorney at 312-913-0001.

Respectfully submitted,
**McDONNELL BOEHNEN
HULBERT & BERGHOFF**



David S. Harper
Reg. No. 42,636

11/3/04